
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

<p>VERGIL ANN JACKSON,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>RGIS, LLC., et al.,</p> <p style="text-align: center;">Defendant.</p>	<p>MEMORANDUM DECISION AND ORDER ADOPTING REPORT AND RECOMMENDATION ON DISMISSAL OF DUPLICATIVE CASE</p> <p>Case No. 2:15-CV-10 TS</p> <p>District Judge Ted Stewart</p>
---	---

Plaintiff Vergil Ann Jackson filed suit against Defendant RGIS, LLC., et al., in two separate actions: case number 2:15-CV-09 (the “‘09 case”) and case number 2:15-CV-10 (the “‘10 case”). Both cases were referred to Magistrate Judge Wells pursuant to 28 U.S.C. § 636(b)(1)(B), who issued a Report and Recommendation in the ‘10 case on May 4, 2015.¹ Magistrate Judge Wells recommended that the ‘10 case be dismissed because the case is duplicative of the ‘09 case. Plaintiff filed an Objection to the Report and Recommendation on May 18, 2015. Plaintiff makes no argument against duplicity, but rather asserts that she did not consent to having the Magistrate Judge review her case.

When an objection is made within 14 days of a magistrate judge’s report and recommendation, the Court “shall make a de novo determination . . . of the recommendation to which the objection is made.”² A “‘de novo determination’ contemplated by Congress in the amended Federal Magistrate Acts requires that the district judge shall consider the record

¹ Docket No. 23. This original recommendation was corrected due to an error in the case caption on May 11, 2015 (Docket No. 29).

² 28 U.S.C. § 636(b)(1)(B).

developed before the magistrate and make his own determination based on the record, without in any way being bound to adopt the findings and conclusions proposed by the magistrate.”³ Upon de novo review, the Court finds that the ‘10 case is duplicative of the ‘09 case, involving the same parties, interests, facts, and relief sought. Based on the Court’s inherent power to manage its docket and the general principle to avoid duplicative litigation, the ‘10 case will be dismissed. The Court notes that in the ‘09 case, Plaintiff’s Motion for Service of Process was granted and the case will continue to move forward toward resolution. The dismissal of the ‘10 case in no way affects that process.

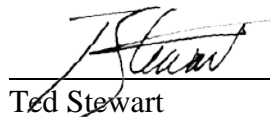
It is therefore

ORDERED that the Magistrate Judge’s Report and Recommendation (Docket No. 23 and 29) is ADOPTED IN FULL. The ‘10 case is dismissed as duplicative.

The clerk of the Court is directed to close this case forthwith.

DATED this 28th day of May, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Ted Stewart", is written over a horizontal line.

Ted Stewart
United States District Judge

³ *Sims v. Wyrick*, 552 F. Supp. 748, 750 (W.D. Mo. 1982).